

Judgment in a Criminal Case
Attachment (Page 1) -- Statement of Reasons

DEFENDANT: MAGANA-SOLIS, Edwin
CASE NUMBER: 3:11-cr-00467-MO-8
DISTRICT: Oregon

STATEMENT OF REASONS
Not for Public Disclosure

I COURT FINDING ON PRESENTENCE INVESTIGATION REPORT

- A. ☐ **The court adopts the presentence investigation without change.**
- B. ☒ **The court adopts the presentence investigation report with the following changes.**
(Check all that apply and specify court determination, findings, or comments, referencing paragraph numbers in the presentence report, if applicable.)
1. ☒ **Chapter Two of the U.S.S.G. Manual** determinations by court (including changes to base offense level, or specific offense characteristics):

The Court granted a two-level safety valve reduction.
 2. ☐ **Chapter Three of the U.S.S.G. Manual** determinations by court (including changes to victim-related adjustments, role in the offence, obstruction of justice, multiple counts, or acceptance of responsibility):
 3. ☐ **Chapter Four of the U.S.S.G. Manual** determinations by court (including changes in criminal history category or scores, career offender, or criminal livelihood determinations):
 4. ☐ **Additional Comments or Findings** (including comments or factual findings concerning certain information in the presentence report that the Federal Bureau of Prisons may rely on when it makes inmate classification, designation, or programming decisions):
- C. ☐ **The record establishes no need for a presentence investigation report pursuant to Fed.R.Crim.P. 32.**

II COURT FINDING ON MANDATORY MINIMUM SENTENCE (Check all that apply.)

- A. ☐ No count of conviction carries a mandatory minimum sentence.
- B. ☐ Mandatory minimum sentence imposed.
- C. ☒ One or more counts of conviction alleged in the indictment carry a mandatory minimum term of imprisonment, but the sentence imposed is below a mandatory minimum term because the court has determined that the mandatory minimum does not apply based on:
- ☒ substantial assistance [18 U.S.C. § 3553(e)]

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III COURT DETERMINATION OF ADVISORY GUIDELINE RANGE (BEFORE DEPARTURES):

Total Offense Level: 33
Criminal History Category: I
Imprisonment Range: 135 to 168 months
Minimum Supervised Release: 5 years
Fine Range: \$17,500 to \$10,000,000

☒ Fine waived or below the guideline range because of inability to pay.

IV ADVISORY GUIDELINE SENTENCING DETERMINATION (Check only one.)

- C. ☒ **The court departs from the advisory guideline range for reasons authorized by the sentencing guideline manual.** (Also complete section V.)
- D. ☒ **The court imposed a sentence outside the advisory sentencing guideline system.** (Also complete section VI.)

V DEPARTURES AUTHORIZED BY THE ADVISORY SENTENCING GUIDELINES (If applicable.)

- A. **The sentence imposed departs** (Check only one.):
☒ below the advisory guideline range
- B. **Departure based on** (Check all that apply.):
1. **Plea Agreement** (Check all that apply and check reason(s) below.):
☒ plea agreement for a sentence outside the advisory guideline system, which the court finds to be reasonable
- C. **Reason(s) for Departure** (Check all that apply other than 5K1.1 or 5K3.1.)
- D. **Explain the fact justifying the departure.** (Use page 4 if necessary.)

VI COURT DETERMINATION FOR SENTENCE OUTSIDE THE ADVISORY GUIDELINE SYSTEM
(Check all that apply.)

- A. **The sentence imposed is** (Check only one.)
☒ below the advisory guideline range
- B. **Sentence imposed pursuant to** (Check all that apply.):
1. **Plea Agreement** (Check all that apply and check reason(s) below.):
☒ plea agreement for a sentence outside the advisory guideline system, which the court finds to be reasonable
 2. **Motion Not Addressed in a Plea Agreement** (Check all that apply and check reason(s) below.):
☒ government motion for a sentence outside of the advisory guideline system

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- C. **Reason(s) for Sentence Outside the Advisory Guideline System** (Check all that apply.)
- ☒ the nature and circumstance of the offense and the history and characteristics of the defendant pursuant to 18 U.S.C. § 3553(a)(1)
 - ☒ to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense [18 U.S.C. § 3553(a)(2)(A)]
 - ☒ to afford adequate deterrence to criminal conduct [18 U.S.C. § 3553(a)(2)(B)]
 - ☒ to protect the public from further crimes of the defendant [18 U.S.C. § 3553(a)(2)(C)]
 - ☒ to avoid unwarranted sentencing disparities among defendants [18 U.S.C. § 3553(a)(6)]
- D. **Explain the facts justifying a sentence outside the advisory guideline system.** (Use page 4 if necessary.)
- * early resolution of a complex case
 - * to avoid sentencing disparity
 - * defendant's lack of monetary payment
 - * age difference between defendant and leaders
 - * lack of criminal history
 - * defendant's short-term involvement

VII COURT DETERMINATIONS OF RESTITUTION

- A. ☒ Restitution Not Applicable.
- B. Total Amount of Restitution: \$
- C. Restitution not ordered (Check only one.):

Sections I, II, III, IV, and VII of the Statement of Reasons form must be completed in all felony cases.

Defendant's Soc. Sec. No.:	None	Date of Imposition of Judgment 4/22/2013
Defendant's Date of Birth	08/09/1984	/s/ Michael W. Mosman
Defendant's Residence Address:	None Known	Signature of Judge
Defendant's Mailing Address:	None Known	MICHAEL W. MOSMAN UNITED STATES DISTRICT JUDGE Date Signed: April <u>24</u> , 2013